UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,052	02/02/2004	James T. Richardson JR.	M-15345 US	1520

65678   7590   03/03/2010
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER
NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
03/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 February 2010</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on February 12, 2010.

Claims 1-17 are pending in the application.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application

is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on February 12, 2010 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-17 have been considered but are

moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

5.   Claims 1-3, 5-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Petry et al (US 6,941,348), hereinafter Petry, in view of Gupta (US

7,093,025), and further in view of Bezuidenhout (US 2004/0236999).

Regarding claims 1 and 9, Petry discloses an email method comprising the acts of:

at the intranet web server, automatically generating email on behalf of an intranet user, queuing the automatically generated email in an email spooler, sending the automatically generated email to a mail server for delivery to an intended recipient, and if the automatically generated email is returned from the mail server as undeliverable to the intended recipient (EMS 203, which could run on the same physical machine as SMTP mail server 102, is automated to process incoming messages from sending email server 102a and deliver the messages to receiving mail server 102e. EMS 204 comprises interpreter process 350, which interacts with traffic monitor 340, connection manager 322, email handler 335 and delivery manager 324 to dispose the messages appropriately, e.g., message accept, message reject, message quarantine, message spool, message defer, message redirect, etc.; col. 6: lines 17-36 and 50-66; col. 7: line 5 - col. 10: line 34), then the email method includes:

(b) verifying normal operation of the email spooler (Spool Delivery Manager determines whether or not messages should be spooled and the overall condition of the spooler; col. 19: line 60 - col. 20: line 55)

(c) notifying the system administrator regarding the abnormal operation if act (b) verifies that the email spooler is not operating normally (if the spool size reaches to one of several predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28);

(d) processing each undeliverable email to determine whether it was returned because of a problem with the email itself or because of a problem with the mail server (interpret process

350 interacts with data in the traffic monitor to process the message to determine type of error;

col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8,

steps 806-810);

(e) resending the undeliverable email to the intended recipient if act (d) determines that

an undeliverable email was returned because of a problem with the mail server (steps 820-832;

determining appropriate process to retransmit the message, e.g., to be spooled for later delivery

or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (a) fetching an email

address for the intranet web server's system administrator, (b) emailing the notification of an

abnormal operation; and (f) sending the undeliverable email to the originating intranet user if an

undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(a) fetching an email address for the intranet web server's system administrator (ARCPT

can be specified by the system administrator to forward email to another address and an

alternative recipient; col. 2: lines 48-53);

(b) emailing the notification (col. 1: lines 39-59); and

(f) in case the system is unsuccessfully in delivering the mail to a specified recipient, the

SMTP server can be specified to send a full message with an explanation of the errors to the

sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Gupta's method of sending undeliverable email to the original sender or

notify an administrator in Petry's email system, in order to keep the sender and the administrator

informed of the success/failure of delivering and the condition of the email system.

Petry-Gupta discloses substantially all the claimed limitations, except examining each

email queued in the email spooler to determine the pendency of each email within the email

spooler.

Bezuidenhout teaches verifying examining each email queued in the email spooler to

determine the pendency of each email within the email spooler (check email in queue to see

whether the email is inbound or outbound, delivered using a mail transport agent or mail

exchanged records, etc., ¶¶[0039-0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Bezuidenhout's method of diagnosing email in Petry-Gupta's system, in order

to automatically and easily troubleshoot a specific email installation/configuration and provide

feedback with possible solutions to resolve email delivery problems.

Claims 2 and 10 are rejected over Petry-Gupta-Bezuidenhout, as applied to claim 1

above. In addition, Petry-Gupta-Bezuidenhout also discloses fetching the email address from a

database (Petry: col. 9: lines 26-35).

Claims 3 and 11 rejected over Petry-Gupta-Bezuidenhout, as applied to claim 1 above.

In addition, Petry-Gupta-Bezuidenhout also discloses acts (a) through (f) are repeated

periodically (the system can be constantly updating itself and adapt in real-time; Petry: col. 12:

lines 10-27).

Claims 5 and 13 are rejected over Petry-Gupta-Bezuidenhout, as applied to claims 1 and 9 above, respectively. In addition, Petry-Gupta-Bezuidenhout also discloses act (b) comprises: emailing the system administrator regarding this email's pendency if an email's pendency within the email spooler exceeds a normal pendency period (if the spool size reaches to one of several predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28), wherein the normal pendency period comprises a predefined time period including two minutes (frontDuration, backDuration; Table 1; Petry). Though Petry does not explicitly disclose a predefined time period including two minutes, it is taken as an Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made either/both of the durations can be set according to a particular system's requirements, which can include a predefined time period of two minutes.

Claims 6 and 14 are rejected over Petry-Gupta-Bezuidenhout, as applied to claims 5 and 13 above, respectively. In addition, Petry-Gupta-Bezuidenhout also discloses acts (a) through (f) are repeated periodically, and wherein act (b) further comprises deleting this email from the email spooler and emailing the system administrator that a persistent email spooler problem has been detected if an email has been previously detected as exceeding the normal pendency period (the system can be constantly updating itself and adapt in real-time; Petry: col. 12: lines 10-27; and if the spool size reaches to one of several predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to inform an administrator of conditions regarding their system; Petry: col. 9: lines 30-35, col. 12: lines 47-56, and col. 20: lines 26-28).

Claims 7 and 15 rejected over Petry-Gupta-Bezuidenhout, as applied to claims 6 and 14 above, respectively. In addition, Petry-Gupta-Smith also discloses act (b) further comprises: restarting the email spooler if an email has been previously detected as exceeding the normal pendency period (to initiate spooling, a SPOOL connection management record must be inserted, thus when the spool connection management record is removed, then the email spooler is in effect, restarted; Petry: col. 20: lines 1-5 and 29-34).

Claims 8 and 16 are rejected over Petry-Gupta-Bezuidenhout, as applied to claims 1 and 9 above, respectively. In addition, Petry-Gupta-Bezuidenhout also discloses acts (a) through (f) are repeated periodically, and wherein act (e) comprises resending the undeliverable email to the intended recipient only if it has not been previously resent to the intended recipient a predetermined number of times (Petry, col. 11: lines 57-67, col. 12: lines 10-27, and col. 14: lines 46-60).

6.   Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petry-Gupta-Bezuidenhout, as applied to claims 3 and 11 above, respectively, in view of Savchuk (US 2005/0055399).

Petry-Gupta-Bezuidenhout also discloses acts (a) through (f) are repeated (i.e., the system constantly updates itself and adapt to changing loads of electronic message traffic in real-time; Petry: col. 12: lines 10-27).   However, Petry-Gupta-Bezuidenhout does not explicitly call for repeating the acts (a) through (f) every 30 minutes.

Savchuk teaches an event spooler which can generate email/SNMP messages and send

the original data for processing. In case of network outage, data can be sent for up to 30 minutes,

with timeout gradually increasing, and then exited (para 0445). The process is then repeated until

data is successfully sent.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Savchuk's spool monitoring method in Petry-Gupta-Bezuidenhout's system,

motivated by the need to ensure email application can withstand communication systems

problems such as network outages and hardware reboots.

7.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petry, in

view of Gupta, in view of Bezuidenhout, and further in view of Allaire, "ColdFusion, Web

Application Server ", pages 1-28, 1995-1999.

Petry discloses:

a intranet web server configured to automatically generate email from an intranet user

and queue the automatically-generated email in a email spooler from where the automatically-

generated email is sent to an SMTP mail server for delivery to an intended recipient, and wherein

automatically-generated email that was undeliverable to an intended recipient is returned to the

server (EMS 203, which could run on the same physical machine as SMTP mail server 102, is

automated to process incoming messages from sending email server 102a and deliver the

messages to receiving mail server 102e. EMS 204 comprises interpreter process 350, which

interacts with traffic monitor 340, connection manager 322, email handler 335 and delivery

manager 324 to dispose the messages appropriately, e.g., message accept, message reject,

message quarantine, message spool, message defer, message redirect, etc.; col. 6: lines 17-36 and

50-66; col. 7: line 5 - col. 10: line 34).

The server being further configured to perform a method comprising the acts of:

(a) verifying that the SMTP mail server is on line (i.e., EMS 203 is active; col. 6: lines

20-31);

If the SMTP mail server is on line:

(c) verifying normal operation of the email spooler (i.e., Spool Delivery Manager

determines whether or not messages should be spooled and the overall condition of the spooler;

col. 19: line 60 - col. 20: line 55)

(d) notifying the system administrator regarding the abnormal operation if act (b) verifies

that the email spooler is not operating normally (if the spool size reaches to one of several

predefined spool size checkpoints, e.g., 75% of capacity, an alert notification 510 is generated to

inform an administrator of conditions regarding their system; col. 9: lines 30-35, col. 12: lines

47-56, and col. 20: lines 26-28);

(e) processing each undeliverable email to determine whether it was returned because of

a problem with the email itself or because of a problem with the mail server (interpret process

350 interacts with data in the traffic monitor to process the message to determine type of error;

col. 7: lines 48-67, col. 8: line 57- col. 9: line 25, and col. 16: lines 45-60, Table 1; Figure 8,

steps 806-810);

(f) resending the undeliverable email to the intended recipient if act (d) determines that an

undeliverable email was returned because of a problem with the mail server (steps 820-832;

determining appropriate process to retransmit the message, e.g., to be spooled for later delivery or redirected, etc. ; col. 15: lines 20-26).

Petry discloses substantially all the claimed limitations, except (b) fetching an email address for the intranet web server's system administrator, and (g) sending the undeliverable email to the originating intranet user if an undeliverable email was returned because of a problem with the undeliverable email itself.

Gupta teaches:

(b) fetching an email address for the intranet web server's system administrator (ARCPT can be used by the system administrator to forward email to another address and an alternative recipient; col. 2: lines 48-53); and

(g) in case the system is unsuccessfully in delivering the mail to a specified recipient, the SMTP server can be specified to send a full message with an explanation of the errors to the sender (col. 1: lines 39-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Gupta's method of sending undeliverable email to the original sender or notify an administrator in Petry's email system, in order to keep the sender and the administrator informed of the success/failure of delivering and the condition of the email system.

Petry-Gupta discloses substantially all the claimed limitations, except examining each email queued in the email spooler to determine the pendency of each email within the email spooler.

Bezuidenhout teaches verifying examining each email queued in the email spooler to determine the pendency of each email within the email spooler (check email in queue to see

whether the email is inbound or outbound, delivered using a mail transport agent or mail exchanged records, etc., ¶¶[0039-0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Bezuidenhout's method of diagnosing email in Petry-Gupta's system, in order to automatically and easily troubleshoot a specific email installation/configuration and provide feedback with possible solutions to resolve email delivery problems.

Petry-Gupta-Bezuidenhout discloses substantially all the claimed limitations, except the web server is a ColdFusion server.

Allaire teaches ColdFusion can be used to dynamically build and send email messages through any SMTP server (§Internet Technology Integration, page 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement ColdFusion in Petry-Gupta-Bezuidenhout's system, motivated by the need of providing an integrated computing environment with a full range of internet protocols and services to support new functionality or connectivity to legacy systems.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/   Van Kim T. Nguyen
Supervisory Patent Examiner, Art Unit 2400   Examiner
                                                          Art Unit 2456

vkn